



Control Number: 50903



Item Number: 32

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DOCKET NO. 50903

**APPLICATION OF THE CITY OF
PFLUGERVILLE TO AMEND A
CERTIFICATE OF CONVENIENCE
AND NECESSITY UNDER TEXAS
WATER CODE § 13.255 AND
DECERTIFY A PORTION OF
MANVILLE WATER SUPPLY
CORPORATION'S SERVICE AREA IN
TRAVIS COUNTY**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

2021 JUL -5 AM 9:45

NOTICE OF APPROVAL

This Notice of Approval addresses the application of the City of Pflugerville to amend its certificate of convenience and necessity (CCN) number 11303 and Manville Water Supply Corporation's CCN number 11144, and to decertify a portion of Manville WSC's water CCN in Travis County. The Commission amends Pflugerville's water CCN number 11303 to include the requested service area and amends Manville WSC's water CCN number 11144 to reflect the addition and removal of the requested service area.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicants

1. Pflugerville is a municipality that is located in Travis County.
2. Pflugerville operates, maintains, and controls facilities for providing retail water service in Travis County under CCN number 11303.
3. Manville WSC is a Texas non-profit corporation registered with the Texas secretary of state under filing number 26785701.
4. Manville WSC operates, maintains, and controls facilities for providing retail water service in Travis, Williamson, and Lee Counties under CCN number 11144.

Application

5. On December 9, 2019, Pflugerville and Manville WSC executed an agreement for Pflugerville to acquire a portion of the service area under Manville WSC's CCN number

11144. The agreement did not contemplate the purchase of facilities or infrastructure or transfer of customers in the service area.
6. On June 3, 2020, Pflugerville filed the application at issue in this proceeding in which it seeks to decertify a portion of Manville WSC's CCN number 11144 and add the area to its CCN number 11303 under Texas Water Code (TWC) § 13.255. A copy of the agreement was included in the application.
 7. On August 24, 2020, Pflugerville and Manville WSC executed an amended and restated agreement (the written agreement). A copy of the written agreement was filed on August 31, 2020.
 8. In the amended and restated agreement, Pflugerville agreed to compensate Manville WSC for the value of the requested area.
 9. On October 23, 2020, Pflugerville supplemented the application.
 10. The requested area consists of approximately 2,829 acres, including 2,140.6 acres to be singly certificated, 688.3 acres to be dually certificated, and 38 acres of previously uncertificated service area that will be dually certificated and are located within Pflugerville's annexed corporate boundaries.
 11. All of the requested area has been annexed into Pflugerville through its enactment of city ordinances.
 12. Pflugerville demonstrated its ability to achieve compliance with the minimum requirements for public drinking water systems imposed by the Texas Commission on Environmental Quality.
 13. In Order No. 6 filed on December 21, 2020, the administrative law judge (ALJ) found the application, as supplemented, administratively complete.

Notice

14. On February 9, 2021, Pflugerville filed a publisher's affidavit attesting to publication of notice in the *Austin American-Statesman*, a newspaper of general circulation in Travis County, on January 28 and February 4, 2021.

15. On February 9, 2021, Pflugerville filed the affidavit of Amy Giannini, Pflugerville's authorized representative, attesting that notice was mailed to neighboring utilities, county authorities, municipalities, and affected parties on January 29, 2021, as well as representative copies of the notice used and maps provided.
16. In Order No. 10 filed on February 19, 2021, the ALJ deemed the notice sufficient.

Maps and Certificates

17. On May 5, 2021, Commission Staff emailed the proposed final maps and certificates to Pflugerville and Manville WSC.
18. On May 6, 2021, Pflugerville filed its consent to the maps and certificates.
19. On May 11, 2021, Manville WSC filed its consent to the maps and certificates.
20. On July 2, 2021, Commission Staff filed the proposed maps and certificates as attachments to its supplement to proposed notice of approval.

Evidentiary Record

21. On June 2, 2021, Commission Staff filed an agreed motion to admit evidence and proposed notice of approval.
22. In Order No. 11 filed on June 28, 2021, the ALJ admitted the following evidence into the record of this proceeding: (a) the application, and all attachments, filed on June 3, 2020; (b) updated map documents and the written agreement filed on August 31, 2020; (c) Pflugerville's response to Commission Staff's recommendation filed on October 23, 2020; (d) Commission Staff's supplemental recommendation on administrative completeness, notice, and proposed procedural schedule filed on December 18, 2020; (e) affidavits, notice form, maps, order confirmation, and notice of publication filed on February 9, 2021; (f) Commission Staff's recommendation on sufficiency of notice and proposed procedural schedule filed on February 17, 2021; (g) Pflugerville's consent form to the final maps and certificates filed on May 6, 2021; (h) Manville WSC's consent form to the final maps and certificates filed on May 11, 2021; and (i) Commission Staff's final recommendation filed on May 26, 2021.
23. On July 2, 2021, Commission Staff filed a supplemental agreed motion to admit evidence.

24. In Order No. 12 filed on July 6, 2021, the ALJ admitted Commission Staff's supplement to proposed notice of approval, and all attachments, filed on July 2, 2021, into the record of this proceeding.

Informal Disposition

25. More than 15 days have passed since the completion of the notice provided in this docket.
26. No person filed a protest or motion to intervene.
27. Pflugerville, Manville WSC, and Commission Staff are the only parties to this proceeding.
28. No party requested a hearing and no hearing is needed.
29. Commission Staff recommended that the application be approved.
30. The decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over this proceeding under TWC §§ 13.041, 13.241, and 13.255.
2. Pflugerville and Manville WSC are retail public utilities as defined by TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(31) and Manville WSC is a water supply corporation as defined in TWC § 13.002(24) and 16 TAC § 24.3(40).
3. Pflugerville operates a municipally owned utility as defined in TWC § 13.002(13).
4. Notice of the application was provided in compliance with 16 TAC § 24.235.
5. The Commission processed the application as required by the Administrative Procedure Act,¹ the TWC, and Commission rules.
6. Pflugerville and Manville WSC are entitled to approval of their agreement for single and dual certification of the requested area, having demonstrated that the service area requested is within Pflugerville's corporate limits and having provided a copy of the written

¹ Tex. Gov't Code §§ 2001.001–.903.

agreement, which states that Pflugerville may serve the requested area, as required by TWC § 13.255(a).

7. Because Pflugerville and Manville WSC executed the written agreement, it is not necessary to hold a hearing on the application under TWC § 13.255(c).
8. Because Pflugerville agreed to compensate Manville WSC, as specified in the written agreement, for the value of the requested area, it is not necessary to determine whether Manville WSC is entitled to compensation from Pflugerville under TWC § 13.255(b).
9. Under TWC § 13.257(r) and (s), Pflugerville and Manville WSC must record a certified copy of the approved maps and certificates, along with a boundary description of the service area, in the real property records of Travis county within 31 days of receiving this Notice of Approval and must submit evidence of the recording to the Commission.
10. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

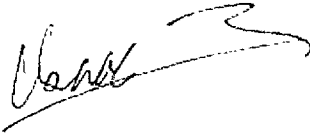
In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission amends Pflugerville's water CCN number 11303 to include the requested area as described in this Notice of Approval and shown on the attached map.
2. The Commission amends Manville WSC's water CCN number 11144 to remove the requested area as described in this Notice of Approval and shown on the attached map.
3. The Commission approves the maps attached to this Notice of Approval.
4. The Commission issues the certificates attached to this Notice of Approval.
5. Pflugerville must provide service to every customer and applicant for service within the approved areas under CCN number 11303 who requests water service and meets the terms of Pflugerville's water service, and such service must be continuous and adequate.

6. Manville WSC must provide service to every customer and applicant for service within the approved areas under CCN number 11144 who requests water service and meets the terms of Manville WSC's water service, and such service must be continuous and adequate.
7. Pflugerville and Manville WSC must each comply with the recording requirements in TWC § 13.257(r) and (s) for the areas in Travis County affected by the application and file in this docket proof of the recording no later than 45 days after receipt of this Notice of Approval.
8. The Commission denies all other motions and any other requests for general or specific relief, if not been expressly granted.

Signed at Austin, Texas the 6th day of July 2021.

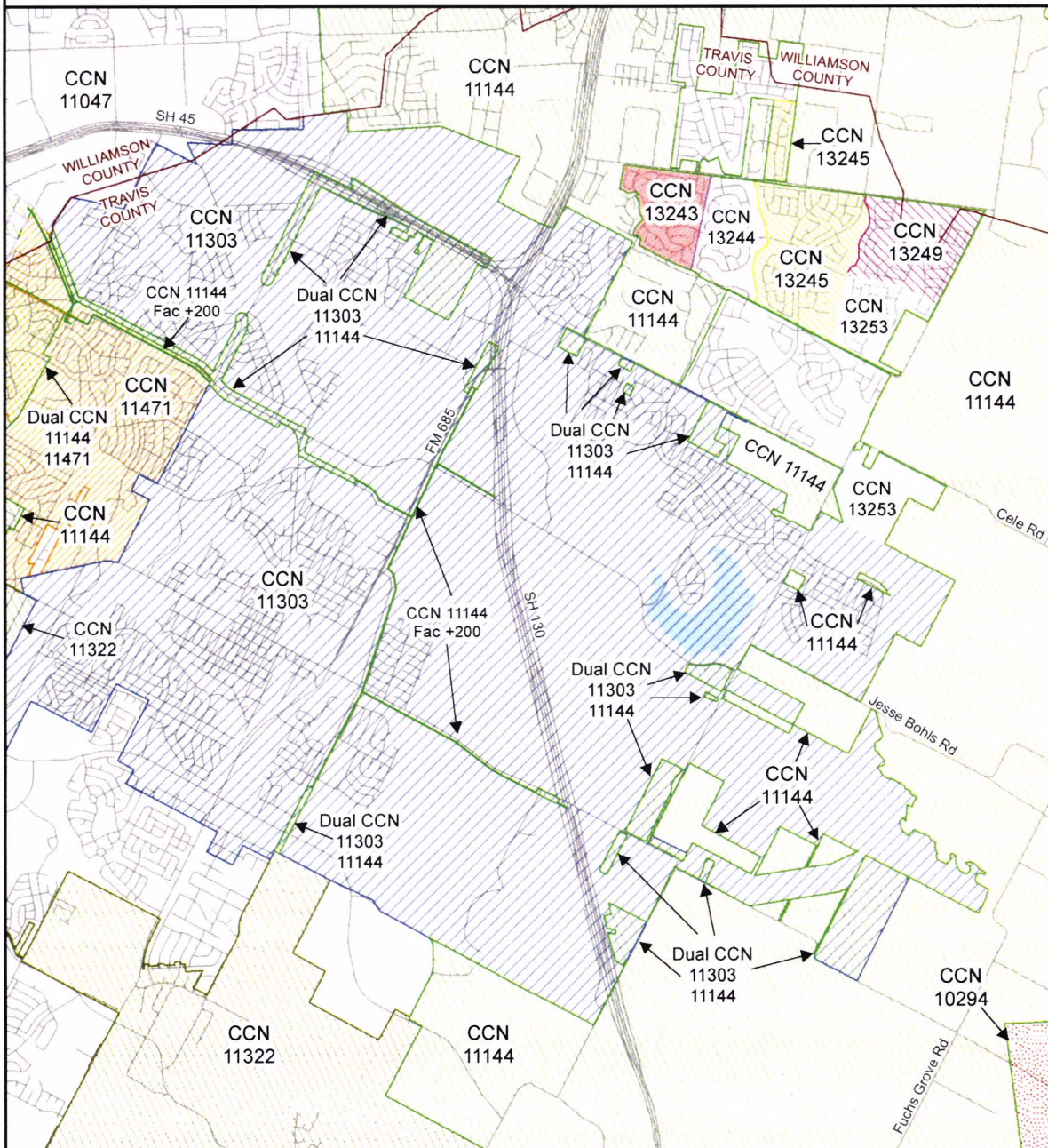
PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read 'Isaac TA', written over a horizontal line.









**ISAAC TA
ADMINISTRATIVE LAW JUDGE**

City of Pflugerville, Portion of Water CCN No. 11303 and
Manville Water Supply Corporation, Portion of Water CCN No. 11144
PUC Docket No. 50903



13.255 Agreement to Transfer a Portion of Manville Water Supply Corporation, CCN No. 11144 and
City of Pflugerville, CCN No. 11303 to Obtain Dual Certification with
Portions of Manville Water Supply Corporation, CCN No. 11144 in Travis County




Water CCN

-  11303 - City of Pflugerville
-  11144 - Manville WSC
-  11471 - SWWC Utilities Inc
-  11047 - City of Round Rock
-  13243 - Lakeside WCID 1
-  13244 - Lakeside WCID 2B
-  13245 - Lakeside WCID 2C
-  13249 - Lakeside WCID 2A

13253 - Lakeside WCID 2D

-  10294 - Aqua WSC
-  11322 - City of Austin

Water CCN Facilities +200'

-  11144 - Manville WSC



Public Utility Commission of Texas
1701 N. Congress Ave
Austin, TX 78701

0 2,250 4,500
Feet

Map by: Komal Patel
Date created: April 30, 2021
Project Name:
50903CityofPflugerville.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That

City of Pflugerville

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, the City of Pflugerville is entitled to this

Certificate of Convenience and Necessity No. 11303

to provide continuous and adequate water utility service to that service area or those service areas in Travis County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 50903 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the City of Pflugerville to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this 6th day of July 2021.



Public Utility Commission of Texas

By These Presents Be It Known To All That

Manville Water Supply Corporation

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Manville Water Supply Corporation is entitled to this

Certificate of Convenience and Necessity No. 11144

to provide continuous and adequate water utility service to that service area or those service areas in Travis and Williamson Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 50903 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Manville Water Supply Corporation to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this 6th day of July 2021.